



Attorney's Docket No.: 10663-013001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel L. Roth et al

Art Unit : 2655

Serial No. : 09/779,426

Examiner : Huyen X. Vo

Filed : February 8, 2001

Title : FEEDBACK FOR UNRECOGNIZED SPEECH

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESUBMISSION OF NOTICE OF APPEAL

By request of the Patent and Trademark Office, enclosed please find the following copies to serve as a resubmission to the Notice of Appeal previously filed on April 11, 2005:

1. A copy of the Notice of Appeal submitted to the Patent and Trademark Office on April 14, 2005 (as indicated by enclosed returned stamped postcard). We do not have a signed copy of the Notice of Appeal on file, but the returned stamped postcard indicates receipt of this document by the Patent and Trademark Office.

2. A Copy of the Return Postcard as stamped by the Patent and Trademark Office on April 11, 2005.

3. A copy of the Petition for Three- Month Extension of Time, mailed April 11, 2005 (as indicated by the Certificate of Mailing by First Class, signed on and dated April 11, 2005 by Terri L. Knox).

4. A Copy of the Applicant Initiated Interview Request Form.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 15, 2005

Date of Deposit

Cassie A Chandler

Signature

Cassie A. Chandler

Typed or Printed Name of Person Signing Certificate

Applicant : Daniel L. Roth et al
Serial No. : 09/779,426
Filed : February 8, 2001
Page : 2 of 2

Attorney's Docket No.: 10663-013001

No fee is believed to be due. Please apply any charges or credits to deposit
account 06-1050.

Respectfully submitted,

Date: 8-15-05



Elliott J. Mason, III
Reg. No. 56,569

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906



Attorney's Docket No.: 10663-013001

AF
2655
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel L. Roth et al
Serial No. : 09/779,426
Filed : February 8, 2001
Title : FEEDBACK FOR UNRECOGNIZED SPEECH
Art Unit : 2655
Examiner : Huyen X. Vo

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated October 12, 2004, finally rejecting claims 1-9 and 17-39.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 month(s) to and including April 12, 2005 is enclosed.

A check in the amount of \$250 for the appeal fee is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket 10663-013001.

Respectfully submitted,

Date: _____

8-15-05

Elliott J. Mason, III
Reg. No. 56,569

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21065644.doc

08/18/2005 SSANDARA 00000001 09779426

01 FC:2401

250.00 OP

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 15, 2005
Date of Deposit

Cassie Chandler
Signature

Cassie Chandler
Typed or Printed Name of Person Signing Certificate



Attorney's Docket No. 10663-013001		Express Mail Label No.	Mailing Date April 11, 2005
Application No. 09/779,426	Filing Date February 8, 2001	Attorney/Secretary Init MJH/EJM/tvk	
Title of the Invention FEEDBACK FOR UNRECOGNIZED SPEECH			
Applicant Daniel L. Roth et al			
Enclosures - Check in the amount of \$250.00, \$510.00 - Notice of Appeal - Petition for Extension of Time (3 months) - Other: Applicant Initiated Interview Request Form - Substitute PTOL-413A (1 page)			
<div style="text-align: right;">For PTO Use Only Do Not Mark in This Area</div> <div style="text-align: center;"></div>			

AUG 17 2005

Applicant Initiated Interview Request Form

Application No. : 09/779,426

First Named Applicant: Daniel L. Roth et al

Examiner: Huyen X. Vo

Art unit: 2655

Status of Application: Pending

Participants:

(1) Elliott Mason

(2) _____

(3) _____

(4) _____

Date of Interview: 4-8-05

Time: 2:00 (PM)

Type of Interview:

(1) ☒ Telephonic(2) ☐ Personal(3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES☒ NO

If yes, provide brief description:

Issues Discussed

Issues (Rej., Obj., etc)	Claims Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection	claim 1	Curry et al.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Rejection	claim 34	Curry et al.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments Presented:

Applicant's representative argued that the Curry reference does not disclose all of the limitations of claim 1 or claim 34. The examiner agreed and stated he would withdraw the finality and issue a new office action after conducting further search.

An interview was conducted on the above-identified application on 4-9-05

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)